

SERVICE DATE – JUNE 23, 2016

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

Docket No. AB 33 (Sub-No. 326X)

**Union Pacific Railroad Company –
Abandonment Exemption –
In Alameda County, Cal.**

BACKGROUND

In this proceeding, Union Pacific Railroad Company (UP) filed a notice under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of approximately 4.3 miles of rail line in five segments known as the Alameda Industrial Lead in Alameda County, California. The line segments include: (1) Segment 1 from milepost 10.0 near Fruitvale to milepost 10.4 near Lincoln; (2) Segment 2 from milepost 16.0 near Mastick Junction to milepost 18.2 near Alameda; (3) Segment 3 from milepost 5.0 at West Alameda to milepost 6.1 at Pacific Junction (former South Pacific Coast Railway main line); (4) Segment 4 at the connection between the Alameda Industrial Lead at milepost 18.0 and South Pacific Coast milepost 5.4, near Alameda; and (5) Segment 5 at the connection between the Alameda Belt Line near St. Charles Avenue and the Alameda Industrial Lead at milepost 16.5 near Constitution Way. In addition to the five primary segments, UP states that the proposed abandonment includes all other UP ancillary, industrial, switching, siding, and spur tracks on Alameda Island (the Line).¹

Based on information in UP's possession, the line segments were constructed between 1878 and 1953 as both mainline track and to provide alternate routes. UP states that there is one bridge on the Line. The Fruitvale Lift Bridge, constructed in 1951 and owned by the U.S. Army Corps of Engineers, was earmarked for retention as alternate use by Congress in the Water Resources Development Act of 2007. UP believes that other portions of the right-of-way may be suitable for mass transportation, energy transmission, utility production, or as a recreational trail. The Line passes through residential, commercial and light industrial land uses and traverses U.S. Postal Service zip codes 94501 and 94601. The topography is generally low lying and UP

¹ In its combined environmental and historic report, UP notes that because the Line was used in electric interurban service from 1911 to 1940, it appeared to have been reclassified by then-owner Southern Pacific Railroad and viewed as an unregulated switching spur. UP views the Line as potentially falling under Surface Transportation Board jurisdiction and is seeking exempt abandonment authority to clarify the record with regard to the Line.

indicates that some of the area surrounding the Line is being reclaimed as marsh land. Based on information in UP's possession, the Line has no federally granted rights-of-way nor reversionary property.

UP states that if the proposed abandonment is authorized, rail service is available from the UP Niles Subdivision at Fruitvale and from BNSF Railway Company at Oakland. Other transportation corridors include the Western Street and Posey Tubes under the Oakland Inner Harbor and the Park Street and Fruitvale Avenue bridges. If the notice becomes effective, UP would be able to salvage track, ties, and other railroad appurtenances and to dispose of the right-of-way. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA).

ENVIRONMENTAL REVIEW

UP submitted an environmental report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. UP served the environmental report on a number of appropriate federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)].² The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

UP states that no local traffic has moved over the line for at least two years and no overhead traffic would be rerouted as a result of the proposed abandonment. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

Salvage Activities

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or if necessary, via construction of new access points to the right-of-way. If abandonment authority is granted, UP would salvage the limited amount of rail, tie, and track material that it states is still in place. UP intends to retain the underlying ballast (unless suitable for resale) and any structures, including culverts, so as not to alter or impede existing drainage flows. All at-grade crossings would be removed and remediated, then resurfaced with gravel, asphalt or concrete, as required by the governing road authority. UP intends to transfer the right-of-way to the city of Alameda and other parties for various uses.

² The Environmental and Historic Reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 33 (Sub-No. 326X).

OEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

The National Geodetic Survey (NGS) commented that there are three (3) geodetic station markers that may be affected by the proposed abandonment. Accordingly, OEA has included a condition in this EA that would require UP to consult with NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.

UP does not intend to appreciably remove or alter the contour of the roadbed underlying the rail line, and disturbed areas would be limited to the right-of-way wherever possible. UP also has no plans to undertake in-stream work or dredge and/or fill any materials in connection with the proposed abandonment. However, the Line possibly passes through Coastal Zone Management Areas, 100-year floodplain, marsh land restoration areas, and other environmentally sensitive areas that may warrant further review by the appropriate agencies. Accordingly, we have included a condition that would require UP to consult with the San Francisco Bay Conservation and Development Commission to determine if state coastal zone consistency is required, pursuant to the Coastal Zone Management Act (16 U.S.C. § 1451 et seq.). We have also included conditions for UP to consult with the U.S. Army Corps of Engineers and the Alameda County Public Works Agency for potential impacts to floodplain, marsh land restoration areas, and other environmentally sensitive areas.

OEA has not yet received responses from several other federal, state and local agencies regarding potential environmental impacts from the proposed abandonment. OEA is therefore sending a copy of this EA to the following agencies for review and comment: the U.S. Department of Agriculture, Natural Resources Conservation Service; the U.S. Fish and Wildlife Service; the National Park Service; the U.S. Environmental Protection Agency; the California Environmental Protection Agency; the California Office of Planning and Research; and the Alameda County clerk.

HISTORIC REVIEW

UP submitted an historic report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the California Office of Historic Preservation (State Historic Preservation Office or SHPO) pursuant to 49 C.F.R. § 1105.8(c). However, OEA has not heard from the SHPO and therefore has not been able to consider the SHPO's opinion before determining if the Line may be potentially eligible for listing on the National Register of Historic Places (National Register). Accordingly, we are recommending a condition requiring UP to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures and objects within the project right-of-way (the Area of Potential Effect) eligible for listing or listed in the National Register until completion of the Section 106 process. Guidance regarding the Board's historic preservation review process is available on the Board's website at <http://www.stb.dot.gov/stb/environment/preservation.html>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of two Native American databases to identify federally recognized tribes that may have ancestral connections to the project area.³ The databases indicated that there is one federally recognized tribe with ancestral connections in the area of the proposed abandonment. The tribe is: the California Valley Miwok Tribe. We have included this tribe in the service list for this proceeding so that it may receive a copy of this EA.

CONDITIONS

We recommend that the following conditions be imposed on any decision granting abandonment authority:

1. Union Pacific Railroad Company (UP) shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.
2. Prior to beginning any salvage activities, UP shall consult with the San Francisco Bay Conservation and Development Commission to determine whether state coastal management consistency certification is required, pursuant to the Coastal Zone Management Act (16 U.S.C. § 1451 *et seq.*). UP may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until it reports the results of these consultations in writing to the Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) and the Board has removed this condition.
3. Prior to commencement of any salvage activities, UP shall consult with the U.S. Army Corps of Engineers (Corps) regarding its requirements and, if applicable, shall comply with the reasonable requirements of the Corps.
4. To ensure that the 100-year floodplain is not adversely affected, UP shall consult with the Alameda County Public Works Agency prior to commencement of any salvage activities regarding potential impacts to the floodplain and shall comply with the reasonable requirements thereof.
5. UP shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f, has been completed. UP shall report back to OEA regarding any consultations with the California Office of Historic Preservation (State Historic Preservation Office or SHPO) and the public. UP may not file its consummation notice or initiate any salvage

³ Native American Consultation Database <http://grantsdev.cr.nps.gov/Nagpra/NACD/> (last visited June 7, 2016) and the U.S. Housing and Urban Development's Tribal Directory Assessment Tool at <http://egis.hud.gov/tadat/Tribal.aspx> (last visited June 7, 2016).

activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed and if the recommended mitigation is imposed, abandonment of the Line would not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite 4-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance (OPAGAC) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPAGAC directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Diana Wood, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 33 (Sub-No. 326X) in all**

correspondence, including e-filings, addressed to the Board. If you have any questions regarding this Environmental Assessment, please contact Diana Wood, the environmental contact for this case, by phone at (202) 245-0302, fax at (202) 245-0454, or e-mail at woodd@stb.dot.gov.

Date made available to the public: June 24, 2016.

Comment due date: July 12, 2016.

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment